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NETAPP, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.  
Plaintiff-Counterclaim Defendant,  
v.  
SUN MICROSYSTEMS, INC.  
Defendant-Counterclaim Plaintiff.

Case Nos. 3:07-CV-05488-EDL  
3:07-CV-06053-EDL  
3:08-CV-01641-EDL

**STIPULATION AND ~~PROPOSED~~ ORDER  
STAYING CASES UNTIL JUNE 4, 2010**

NetApp, Inc. and Sun Microsystems, Inc. hereby stipulate, subject to the Court's approval, to a stay of all three of the currently pending actions between the parties (3:07-CV-05488-EDL, 3:07-CV-06053-EDL, and 3:08-CV-01641-EDL) until June 4, 2010 to permit the parties to explore the possibility of an extra-judicial resolution of their disputes. All currently scheduled hearings and deadlines are vacated, subject to Court approval. The parties agree that neither side will use this stay to later argue lack of diligence on the part of the other party.

By June 9, 2010, the parties shall jointly report to the Court on the status of their discussions, the litigation, and next steps. The parties request that the Court now schedule an

1 omnibus case management conference in all three cases on Tuesday, June 15, 2010 at 10 a.m., or  
2 on the next date consistent with the Court's schedule.

3  
4 Dated: April 6, 2010

5 DLA PIPER US LLP

6  
7 By: /s/ Mark D. Fowler

8 MARK D. FOWLER  
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11 CHRISTINE K. CORBETT  
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14 Attorneys for  
15 Sun Microsystems, Inc.

16  
17 Dated: April 6, 2010

18 WEIL, GOTSHAL & MANGES LLP

19  
20 By: /s/ Edward R. Reines

21 MATTHEW D. POWERS  
22 EDWARD R. REINES  
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25 Attorneys for  
26 NetApp, Inc.

**PROPOSED ORDER**

To permit the parties to explore the possibility of an extra-judicial resolution of their disputes, the parties' joint request for a stay is **GRANTED**. All proceedings in Civil Action Nos. 3:07-CV-05488-EDL, 3:07-CV-06053-EDL, and 3:08-CV-01641-EDL are hereby stayed until June 4, 2010. All currently scheduled hearing dates and deadlines in these actions are hereby vacated. Neither party may rely upon this stay to later argue lack of diligence on the part of the other party.

By June 9, 2010, the parties shall jointly report to the Court on the status of their discussions, the litigation, and next steps. An omnibus case management conference in all three cases shall be held on Tuesday, June 15, 2010 at 10 a.m.

**IT IS SO ORDERED.**

Dated: April 6, 2010

*Elizabeth D. Laporte*

UNITED STATES MAGISTRATE JUDGE  
ELIZABETH D. LAPORTE